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VIRLYNN TINNELL  
SUPERIOR COURT CLERK

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Attorneys for Justin Rector

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR COUNTY OF MOHAVE

STATE OF ARIZONA,	)	CR2014-01193
	)	
PLAINTIFF,	)	
	)	
v.	)	DEFENDANT JUSTIN RECTOR'S
	)	MOTION TO FILE EX PARTE
JUSTIN JAMES RECTOR,	)	MOTION RELEVANT TO
	)	MITIGATION REQUESTS
DEFENDANT.	)	
	)	HONORABLE LEE JANTZEN

Pursuant to this Court's February 13, 2017 Order, Mr. Rector, through undersigned counsel, hereby files this request to file a motion regarding a request for confidential documents integral to counsel's mitigation presentation *ex parte*. Filing the motion *ex parte* is appropriate on the basis it contains references to sensitive material to the defendant and may be prejudicial.

The United States Constitution guarantees criminal defendants a "meaningful opportunity to present a defense. *Holmes v. South Carolina*, 549 U.S. 319, 324 (2006). It is beyond question that as part of that meaningful defense



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1 are counsel's obligations under the Sixth and Fourteenth Amendments trial  
2 counsel to conduct a reasonable investigation. *E.g., Strickland v. Washington*,  
3 466 U.S. 668, 673 (1984); *Wiggins v. Smith*, 539 U.S. 510, 521-22 (2003).  
4 Counsel needs access to these materials to meet their ethical obligations. Because  
5 of their sensitive and potentially prejudicial nature, the request must be filed *ex*  
6 *parte*. Mr. Rector must be able to complete his mitigation investigation before he  
7 is required to disclose the contents of what he will present to the State (because  
8 until such investigation is complete, that decision cannot be made). Including the  
9 State in such requests pertinent to mitigation is essentially disclosure of the  
10 investigation and a violation of Mr. Rector's constitutional rights.

11  
12 Respectfully submitted this 1<sup>st</sup> day of March, 2017.

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16 GERALD GAVIN  
17 Counsel for Defendant

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19 JULIA CASSELS  
20 Counsel for Defendant  
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Original filed this 1<sup>st</sup> day of  
MARCH, 2017 and

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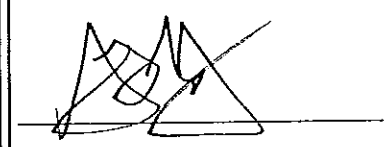
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Mr. Justin Rector  
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Client File

A handwritten signature, possibly reading "J. Rector", is written over a horizontal line.